



REMARKS

The specification has been amended to address what the Examiner on Page 2 of the Office Action has identified as informality No. 1.

With regard to "informalities" Nos. 2 and 3, applicant requests withdrawal of objections on these bases.

The terms DISCLOSURE OF INVENTION and MODES FOR CARRYING OUT THE INVENTION are acceptable by the U.S. Patent and Trademark Office and are terms employed under the provisions of the Patent Cooperation Treaty to which the U.S. is of course a signatory. SUMMARY OF THE INVENTION and DETAILED DESCRIPTION OF THE INVENTION are not required terms under U.S. Patent Law or regulations. Many U.S. patents are in existence employing DISCLOSURE OF INVENTION and MODES FOR CARRYING OUT THE INVENTION. Enclosed is a copy of but one example - U.S. Patent No. 6,178,913.

Claims 10 - 18 are now in the case. Of these, Claim 10 is the sole independent claim, Claims 11 - 18 depending either mediately or immediately therefrom.

Claim 10 recites a combination of structural elements not taught or suggested by the art of record, whether taken alone or in combination. The invention set forth in Claim 10 relates to the construction industry and more particularly to structural members which cooperate with a hanger rod in a certain manner to

stiffen the rod.

The apparatus as set forth in the specification and as claimed in Claim 10 has applicability to both large and small diameter hanger rods. That is, as pointed out in the specification, one size of rod stiffener apparatus constructed in accordance with the teachings of the present invention accommodates itself to many different rod sizes. This enables a user to maintain a much smaller parts inventory with resultant efficiencies and savings. In addition, the claimed arrangement can utilize elongated stiffener members other than open channels which are typical elongated stiffener members employed in the hanger rod industry. For example, pipes or square or other rectangular-shaped tubes may be utilized as the elongated stiffener member.

In combination with a hanger rod for supporting one or more components of a building from building structure, Claim 10 recites a clamp having a straight first clamp segment and a straight second clamp segment spaced from the first clamp segment. Each of the first clamp segment and the second clamp segment are double-ended and threaded over at least a portion of the length thereof. The claimed clamp includes a third clamp segment integral with and extending between ends of the first clamp segment and the second clamp segment.

Claim 10 also recites a plate connected to the clamp and defining spaced openings, ends of the first clamp segment and the second clamp segment remote from the third clamp segment projecting through the spaced openings. Claim 10 recites that the first clamp segment and the second clamp segment are disposed on opposed sides of the hanger rod and that the third clamp segment and the plate are disposed on other opposed sides of the hanger rod, the connected plate and clamp surrounding the hanger rod.

The claimed combination also includes nuts threadedly engaged with the ends of the first clamp segment and the second clamp segment projecting through the spaced openings urging the plate toward the third clamp segment.

An elongated stiffener member is surrounded by the connected plate and clamp and disposed between the plate and the third clamp segment. The hanger rod extends parallel to the elongated stiffener member and is engaged by the elongated stiffener member. The elongated stiffener member is cooperable with the clamp to maintain the hanger rod in a predetermined position relative to the elongated stiffener member and the clamp wherein the hanger rod is in engagement with the elongated stiffener member and with the clamp.

Claim 10 further recites that at least a portion of the third clamp segment is straight and non-orthogonally disposed

relative to the first clamp segment and the second clamp segment and cooperable with the elongated stiffener member to continuously exert lateral forces on the hanger rod continuously urging the hanger rod to the predetermined position due to clamping engagement of the hanger rod between the clamp and the third clamp segment.

The plate is recited as being in contact with the elongated stiffener member at a location on the elongated stiffener member spaced from the hanger rod and urging the elongated stiffener member toward the hanger rod and the third clamp segment.

Before discussing how Claim 10 distinguishes from the art of record, applicant wishes to point out that Claim 10 as well as the claims dependent therefrom do not contain the language considered by the Examiner to result in claim informalities. Thus, they clearly satisfy the requirements of 35 U.S.C. 112.

The patent to Finke et al does not teach or suggest the combination of structural elements set forth in Claim 10, nor in the claims dependent therefrom, Claims 11 - 18. Finke et al does not disclose a hanger rod for supporting one or more components of a building from building structure. Instead, Finke et al discloses an antenna support bracket for supporting an upwardly projecting antenna mast within the confines of U-bolts and a

bracket plate. There is only one component located within the U-bolts and that component is the antenna mast. There not only is no hanger rod disposed in the arrangement of Finke et al, there is no elongated stiffener member.

In applicant's invention it is necessary to employ an elongated stiffener member which is cooperable with the claimed clamp to maintain the hanger rod in a predetermined position relative to the elongated stiffener member and the clamp. According to Claim 10, the connected plate and clamp surround the hanger rod and also the elongated stiffener member. The elongated stiffener member extends parallel to the hanger rod and these structures are in engagement.

Also according to Claim 10, a portion of the third clamp segment is straight and non-orthogonally disposed relative to the first clamp segment and the second clamp segment and cooperable with the elongated stiffener member to continuously exert lateral forces on the hanger rod continuously urging the hanger rod to the predetermined position desired due to clamping engagement of the hanger rod between the elongated stiffener member and the third clamp segment and the plate being in contact with the elongated stiffener member at a location on the elongated stiffener member spaced from the hanger rod and urging the elongated stiffener member toward the hanger rod and the third clamp segment.

There is no suggestion or hint whatsoever in Finke et al of these structural components and cooperative relationships.

Searls is likewise deficient as a reference. Searls relates to a method and apparatus for running telephone cable and is thus directed to an art quite different from that of applicant's claimed and disclosed invention. Searls does not teach or suggest the concept of capturing a stiffener member and a hanger rod between a plate and clamp. It is this feature which results in both stiffening of the hanger rod and its maintenance in a predetermined position relative to the elongated stiffener member and the clamp wherein the hanger rod is in engagement with the elongated stiffener member and the clamp.

In applicant's claimed approach at least a portion of the third clamp segment is straight and non-orthogonally disposed relative to the first clamp segment and the second clamp segment and cooperable with the elongated stiffener member to continually exert lateral forces on the hanger rod continuously urging the hanger rod to the predetermined position due to clamping engagement of the hanger rod between the clamp and the third clamp segment. Again, there is no suggestion or hint of this in the Searls patent.

In the Office Action, Claim 1 was provisionally rejected under the judicially created doctrine of obvious-type double patenting on the basis of applicant's co-pending

application 09/836,955 and the patent to Burwell et al. In this connection, the patent to Finke et al was also referenced by the Examiner, although apparently not actually applied in connection with this provisional rejection.

Withdrawal of the provisional obvious-type double patenting rejection is requested. The invention set forth in Claim 1 of 09/836,955 differs considerably from that now claimed in Claim 10. Claim 1 of 09/836,955 claims at least one plate defining an indent. An elongated stiffener member is disposed in a space between the at least one plate and the claimed third clamp segment. The at least one plate is for engaging a hanger rod extending parallel to the elongated stiffener member with the hanger rod disposed in the indent to maintain the hanger rod in a predetermined position relative to the elongated stiffener member and the clamp.

This arrangement is not set forth in Claim 10 of the present application nor disclosed in the present application. In the combination now claimed in Claim 10, the hanger rod is maintained in a predetermined position due to engagement with the hanger rod of the clamp and the elongated stiffener member. In the arrangement of this application, the plate does not have an indent for receiving the hanger rod nor does the plate engage the hanger rod at all. The patent to Burwell et al merely discloses a plate defining an indent and such plate is not utilized in the

combination set forth in the new Claim 10. The deficiencies of Finke et al as a reference with regard to Claim 10 has been discussed above and has equal application to this provisional obvious-type double patenting rejection.

Claims 11 - 18 depend either mediately or immediately from Claim 10 and thus incorporate by reference the unique structural combination set forth in Claim 10. Thus, Claims 11 - 18 are believed to clearly patentably define over the art of record, whether taken alone or in combination. Claims 11 - 18 also overcome the objections to claims based on informalities perceived by the Examiner.

Claims 11 - 14 recite various configurations of clamps which may be utilized in the combination. While clamps having at least some of the recited shapes per se are in existence, there is no teaching whatsoever in the prior art of utilizing these clamp configurations in the novel overall combination set forth in Claim 10.

Claims 15 - 17 recite elongated stiffener members of various types employed in the combination. While these shapes per se are known, there is no teaching in the prior art of utilizing them in the novel overall combination set forth in parent Claim 10 and incorporated in these claims.

Claim 18 depends directly from Claim 10 and recites that said predetermined position is located at an intersection between the third clamp segment and the first clamp segment. There is no teaching in the prior art of this limitation incorporated in the novel overall combination of parent Claim 10.

In summary, Claims 10 - 18 are believed to clearly patentably define over the art of record, whether taken alone or in combination. The claims are also believed to clearly satisfy the requirements of 35 U.S.C. 112. Passage of this case to issue is believed to be in order and such action is earnestly solicited.

Respectfully submitted,

By; 

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